IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE EIGHTH DAY OF OCTOBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE A.GOPAL REDDY

WRIT PETITION NO: 18385 of 2004

Between:

Maramreddy Kondaiah S/o Bakkaiah
Thurakapally Village, P.C. Palli Mandal, Prakasam District

... PETITIONER

AND

The Mandal Revenue Officer, P.C. Palli Mandal, P.C. Palli, Prakasam District

...RESPONDENT

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an order or direction, more in the nature of Writ of Mandamus, declaring the action of the respondent in interfering with the enjoyment of the petitioner in respect of his agricultural bore well situated in Sy. NO. 463/5 over an extent Ac. 3-44 cents of Thurakapalli Village, P.C. Palli Mandal, Prakasam District, without any authority of law or without following any due procedure contemplated under the law as illegal, arbitrary, contrary to law, and unconstitutional and consequently direct the respondent not to interfere with the enjoyment of the petitioner in respect of the above said bore well, except by due process of law.

Counsel for the Petitioner: MR.KOTI REDDY IDAMAKANTI

Counsel for the Respondent: GP FOR REVENUE

The Court made the following:

ORDER:

The present writ petition is filed alleging that the respondent herein is not allowing the petitioner to draw water from the bore well dug by him in the year 1999. If that were the case, respondent, without following the due procedure contemplated under Section 9 of the Water, Land and Trees Act, 2002 (for short 'the Act') and necessary notification issued in this regard, cannot interfere with drawing of water from the bore well dug by the petitioner.

The Writ petition is accordingly disposed of. No costs.

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A. **GOPAL REDDY, J**

October 8, 2004

MRR

ASSISTANT REGISTRAR

// TRUE COPY //

SECTION OFFICER

To:

1. The Mandal Revenue Officer, P.C. Palli Mandal, P.C. Palli, Prakasam District.

2. Two C.C. s to the G.P. for Revenue, High Court Buildings, Hyderabad (OUT)

3. Two C.D. Copies.